

3579 JPS NI068

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

DONALD BRADY,)	
)	
Plaintiffs,)	
)	
v)	No. 07 CV 6943
)	Judge Joan B. Gottschall
BUSCO, INC., A FOREIGN)	Magistrate Judge Martin C. Ashman
CORPORATION D/B/A ARROW)	
STAGE LINES,)	
)	
Defendants.)	

**BOSCO, INC.'S MOTION FOR HEARING ON ITS PREVIOUSLY
FILED MOTION TO DISMISS FOR LACK OF JURISDICTION
OVER THE DEFENDANT, AND ALTERNATE MOTION TO CHANGE VENUE**

NOW COMES the Defendant, BUSCO, INC., a Nebraska Corporation, d/b/a ARROW STAGE LINES (herinafter "Busco"), by its attorney Jonathan P. Schaefer of Purcell and Wardrobe, Chartered, and hereby requests this honorable court to set a hearing on Busco's previously filed Motion to Dismiss for Lack of Jurisdiction over the Defendant, and Alternative Motion to Transfer Venue. In support thereof, movant states as follows:

1. The Plaintiff originally filed his Complaint at Law in the Circuit Court of Cook County, County Department, Law Division. (Document #1, pages 6-8)
2. Busco was required to challenge whether said Court had jurisdiction over Busco in Busco's initial responsive pleading, or said challenge would be deemed waived. Similarly, Busco was required to challenge any improper venue in its first responsive pleading.

3. On December 10, 2007, Busco timely filed its Motion to Dismiss for Lack of Jurisdiction over the Defendant, and Alternate Motion to Transfer Venue in the Circuit Court of Cook County, County Department, Law Division. (Document #1, pages 11-33).

4. Busco was also required to remove the case to the United States District Court, if diversity jurisdiction was proper, within thirty (30) days of service of the Summons and Complaint upon it.

5. After filing its aforesaid initial pleading and motion in the Circuit Court of Cook County, County Department, Law Division, the Defendant then timely filed its Notice of Removal. (Document #1).

WHEREFORE, the Defendant, Busco, Inc., respectfully requests this Honorable Court to set the Defendant's Motion to Dismiss for Lack of Jurisdiction over the Defendant, and Alternative Motion to Transfer for hearing on its merits, and that the court enter any further relief that it deems just.

Respectfully submitted,

/s/Jonathan P. Schaefer

Jonathan P. Schaefer

PURCELL AND WARDROPE, CHARTERED
10 South LaSalle Street, Suite 1200
Chicago, IL 60603-1013
(313) 427-3900

F:\NPS\3579 - Brady\Pleadings\MotHrgReMotDismissLackJurisdiction 12-21-07.doc